

## Women Crime in Serbia and Social Response\*

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Female convicts, particularly those imprisoned, constitute particularly vulnerable social group, whose vulnerability derives from unique pathways that lead women to crime, their overall position in the society and gender roles internalized through traditional socialization. This is reflected in the structure of women crime as well. Globally, women constitute minority in the total number of convicted and incarcerated persons. Consequently, specific needs and requirements of female convicts, both during the criminal proceedings and in prisons are neglected and marginalized, which negatively impacts women's mental and physical health, well-being, and welfare; diminishing opportunities for effective and efficient reintegration. Taking that as a starting point, the aim of the paper is to shed light on the crime of adult women in Serbia, its dynamics, structure and specificities during the last two decades, on the one hand, and penal policy, on the other. Particular focus is on analyzing the structure of criminal sanctions imposed to women, and percentage of custodial and non-custodial (alternative or community-based) sanctions. The paper is based on a triangulation of data collected from different sources, focusing on official (administrative) data. Based on standards foreseen in the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), the paper concludes with arguing for broader use of non-custodial sanctions for women in Serbia.

**KEYWORDS:** women / convicts / prison / crime / punishment / alternative sanctions / Serbia

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## Introduction

During the 1980s feminist-oriented criminologists shed light on female crime and interconnection of victimization of women and their offending (Barberet & Jackson, 2017; Gehring, 2016; Nikolić-Ristanović & Konstantinović Vilić, 2018; Quiroga-Carrillo et al., 2024; Russel et al., 2020). This resulted in taking to the fore issues related to the position of women in the criminal justice system and in prisons. Later research suggested that imprisoned women constitute a particularly vulnerable social group, whose vulnerability derives from unique pathways of women to crime, their position in the society and gender roles internalised through traditional socialization (Nuytiens & Christiaens, 2012; Pavićević, 2020). Vulnerability of female convicts includes four key dimensions: the history of violent victimization, relationship issues, mental health problems, and substance abuse (Bloom et al., 2003).

Women constitute minority in the total number of convicted and incarcerated persons worldwide (Aebi et al., 2022, 2024; Fair & Walmsley, 2022). However, as pointed out in the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), prison facilities are designed primarily to address the needs of male prisoner; consequently, they neglect specific needs and requirements of female convicts, which stem from the specificities of women crime and their vulnerabilities. This negatively impacts women's mental and physical health, well-being, and welfare; decreasing the quality of life of convicted and imprisoned women, but also diminishing opportunities for effective and efficient reintegration, and preventing recidivism. Therefore, the Bangkok Rules advocates for a broader application of alternative sanctions, measures, and approaches to women offenders that can more adequately meet specific needs of female convicts.

Taking that as a starting point, the aim of the paper is to shed light on the crime of women in Serbia, its dynamics and structure, on the one hand, and social response to crime committed by adult women, i.e., penal policy towards women, focusing on the share of imprisonment, on the one hand, and non-custodial (alternative or community-based) sanctions on the other.

In most countries, the main source of data on crime, including crime committed by women, consists of data collected and recorded by the authorities, primarily the police, prosecution, and courts. Their records provide insight into reported crime, crime subject to charges and convictions. In addition to the police, prosecution, and conviction statistics, an important source of data on crime is also found in penitentiary statistics, which contain information on individuals serving prison sentences (Soković, 2012). Although state statistics (i.e., administrative data) have several limitations and shortcomings and are considered a secondary data source by nature (Ćopić & Stevković, 2012; Nikolić-Ristanović &

Konstantinović Vilić, 2018; Soković, 2012), they are nevertheless significant for understanding the scope and dynamics of crime and the social response to it. These data are also valuable for monitoring and evaluating the work of state institutions, assessing existing capacities for crime prevention and suppression, tracking the implementation and effects of legislative measures, and serving as a basis for advocating changes in laws, policies, and practice. Given that official data cannot measure actual crime rates, it is important to supplement this information with data from research. The paper is based on a triangulation of data collected from different sources, focusing on official (conviction) statistics collected by the Statistical Office of the Republic of Serbia and the data collected through the research on the European level: SPACE I (Custody) and SPACE II (Community Sanctions and Measures)<sup>2</sup>, and the European Sourcebook on Crime and Criminal Justice Statistics<sup>3</sup>.

### **The Scope of Women Crime**

To identify trends in women crime based on data collected by the Statistical Office of the Republic of Serbia, this section analyses conviction statistics for women offenders over the last two decades, from 2003 to 2022. Although convictions represent only the ‘top of the iceberg’, with data on reported criminal offenses being closer to actual scope of crime, for the purpose of this study, the focus will be on women crime that is subject to conviction. The reasoning behind this is the fact that conviction statistics can be more clearly linked to penal policy and penitentiary statistics, which “reflect the final phase of formal crime control and the extent to which the purpose of punishment is realized or not” (Soković, 2012, p. 84).

Women in Serbia accounted for an average of 9.6% of all convicted individuals for criminal offenses during the period from 2003 to 2022 (Table 1). With minor fluctuations, a relatively stable trend is noticed: the proportion of convicted women within the total number of convicted individuals during the observed period ranged from 8.6% in 2003 to 10.8% in 2020. Even in 2020, when the highest proportion of convicted women was recorded, this percentage remained below the European average of 14.5% (Aebi et al., 2022). If compared to earlier periods, such as the 1970s and 1980s, when the proportion of women among convicted individuals in Serbia accounted for around 15% (Nikolić-Ristanović & Mrvić, 1992, p. 19), it becomes evident that women crime subject to convictions has declined over the past two decades.

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<sup>2</sup> The Council of Europe Annual Penal Statistics: SPACE I (Custody) and SPACE II (Community Sanctions and Measures). More information is available at <https://wp.unil.ch/space/history-of-the-project/>.

<sup>3</sup> More information is available at <https://wp.unil.ch/europeansourcebook/>.

During the past two decades, increase in the share of women within the convicted individuals was visible from 2003 to 2010 (Table 1). This was followed by a declining trend, with minor fluctuations, until 2018. Subsequently, an increase in the proportion of convicted women was observed until 2020, after which there was a slight decrease until 2022. Over the last five years, the share of convicted women has remained relatively stable and slightly higher compared to the initial years of observation.

**Table 1**

*Percentage of female convicts in the total number of convicted persons in Serbia in the period 2003–2022*

Year	Convicted persons	Female convicts	
	<i>N</i>	<i>N</i>	%
2003	33017	2853	8.6
2004	34239	2973	8.8
2005	36901	3293	8.9
2006	41422	3930	9.5
2007	38694	3661	9.5
2008	42138	3817	9.1
2009	40880	3801	9.3
2010	21681	2189	10.1
2011	30807	2975	9.6
2012	31322	3108	9.9
2013	32241	3204	9.9
2014	35376	3351	9.5
2015	33189	3084	9.3
2016	32525	3048	9.4
2017	31759	2913	9.2
2018	29750	2968	10.0
2019	28112	2826	10.1
2020	25487	2750	10.8
2021	27508	2853	10.4
2022	26200	2690	10.3

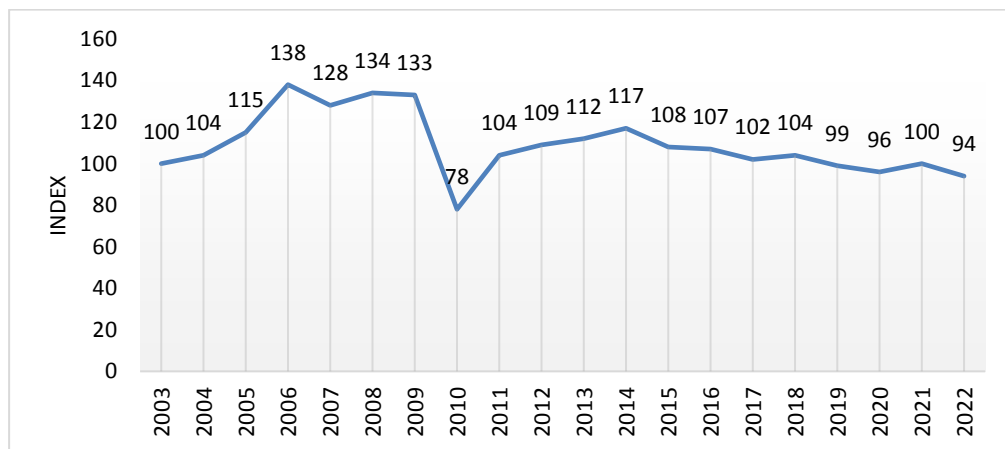
*Source:* Republički zavod za statistiku, 2006, 2006a, 2007, 2009, 2009a, 2010, 2010a, 2011, 2012, 2013, 2014, 2015, 2026, 2017, 2018, 2019, 2020, 2021, 2022, 2023

When observing the trends in the number of convicted women during the analysed period, fluctuations are evident (Graph 1). Compared to the starting year of 2003, a significant increase in the number of convicted women was recorded in 2006, amounting to 38%. Following a slight decline, the number remained at a similar level from 2007 to 2009. However, in 2010, there was a sharp decrease, with 22% fewer convicted women compared to 2003, and even 42% fewer female convicts compared to the previous year (2009). This aligns with a drop in the total number of convicts in 2010, which might be attributed to inefficiencies within the criminal justice system caused by judicial reforms during that period. Starting in 2011, there was a gradual increase in the number of convicted women, reaching its peak in 2014. This was followed by a consistent declining trend. In the most

recent years of observation, the number of convicted women has stabilized at a level nearly identical to that of the initial year of observation.

### Graph 1

*Convicted women in Serbia, 2003–2022 (index)*



## The Structure of Women Crime

To better understand the structure of women crime and observe similarities and differences, as well as changes during the past two decades, data on the structure of crime of convicted women will be analysed for three specific years: the beginning (2004), the midpoint (2013), and the end of the observed period (2022).

**Table 2**

*Structure of crime of convicted women in 2004, 2013 and 2022 (selected groups of criminal offences)*

Criminal offence	2004		2013		2022	
	N	%	N	%	N	%
Criminal offence against life and limb	310	10.4	199	6.2	74	2.8
Criminal offence against honour	368	12.4	165	5.1	93	3.5
Criminal offence against sexual freedom	1	0.03	9	0.3	14	0.5
Criminal offence against marriage and family	102	3.4	284	8.9	374	13.9
Criminal offence against property	578	19.4	1007	31.4	843	31.3
Criminal offence against trade	193	6.5	173	5.4	134	5.0
Criminal offence against health of people	37	1.2	169	5.3	288	10.7
Criminal offence against public traffic safety	404	13.6	296	9.2	251	9.3
Criminal offence against state institutions	-	-	334	10.4	37	1.4
Criminal offence against official duties	181	6.1	142	4.4	40	1.5

Source: Republički zavod za statistiku, 2006a, 2014, 2023

As shown in Table 2, property crimes dominated the structure of crime of convicted women in all three observed years. However, while property crimes constituted nearly one-third of criminal offenses for which women were convicted in 2013 and 2022, their share in 2004 was significantly lower – less than 20%.

Comparing these three years reveals a sharp decline in the proportion of crimes against life and limb: from 10.4% in 2004 to 2.8% in 2022. In all three years, minor bodily injuries accounted for the largest share of this form of crime (73.9% in 2004, 68.3% in 2013, and 74.3% in 2022). Additionally, a decrease is evident for criminal offence against honour: percentage of women convicted for this form of crime is almost four times less in 2022 comparing to 2004.

The data indicates increasing trend in the share of crimes against marriage and family in the structure of women crime subject to conviction: from 3.4% in 2004 to 13.9% in 2022, thus, almost four times. Within this category, there has been a steady increase in domestic violence cases women were convicted for: from 3.9% in 2004, to 49% in 2013, and 57% in 2022.

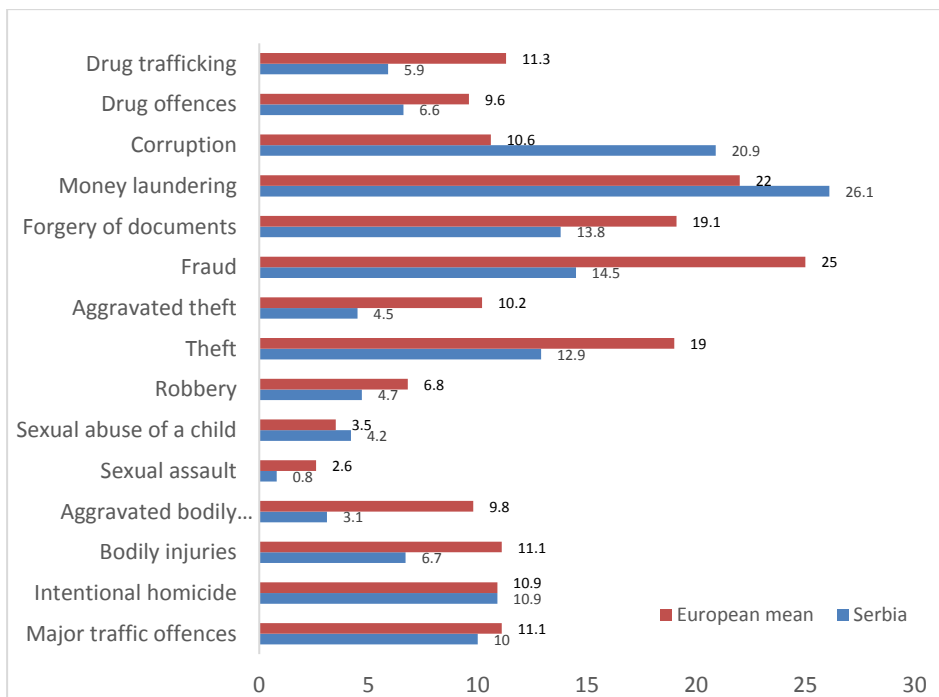
The increase in the share of crimes against public health, specifically drug-related offenses, reflects global trends. In 2022, the proportion of crimes against public health (primarily drug-related offenses) doubled to 10.7% of convicted females compared to 2013 (5.3%). Compared to 2004, there was a nine-fold increase by 2022.

The share of crimes against road traffic safety in 2013 and 2022 remained at the same level but showed a decline compared to the first observed year, when it was at 13.6%. Conversely, there was a significant drop in the share of crimes against state institutions in 2022 (1.4%) compared to 2013 (10.4%), as well as a decline in the proportion of crimes against official duty over the three observed years.

To compare Serbia with the rest of Europe, European Sourcebook on Crime and Criminal Justice Statistics is a valuable source of data (Aebi et al., 2024). As the data in Graph 2 suggests, in 2020 percentage of women among convicted persons in Serbia was below the European average for the majority of criminal offences included in this research: ten out of fifteen forms of crime. The biggest differences are evident for drug trafficking, fraud, theft, bodily injuries, including aggravated bodily injuries, and sexual assault, followed by forgery of documents, drug offences, and robbery. The difference is rather low for major traffic offences. As for the intentional homicide Serbia is on the European average. However, percentage of women among convicted persons in Serbia for corruption (20.9%) is far above the European average (10.6%) – it is as much as twice higher in Serbia compared to the European mean, while for money laundering although it is above the European average, the difference is lesser: 26.1% (Serbia) vs. 22% (European mean).

## Graph 2

*Percentage of women among convicted persons in 2020 in Europe (mean) and Serbia*



Source: Aebi et al., 2024

## Penal Policy Against Female Offenders

The penal policy against women in Serbia is analysed based on the data on criminal sanctions imposed to adult women for the five-year period (2019–2023). The data in Table 3 suggests that in the structure of criminal sanctions imposed to women, non-custodial sanctions dominate: they present between 82% in 2022 and 87.8% in 2019 of total convicted women. However, what is evident from the data is permanent increase of the share of imprisonment in the total number of criminal sanctions imposed to convicted women in the given period: from 11.7% in 2019, 13.1% in 2020, 13.4% in 2021, 15.8. in 2022, to 17.3% in 2023.

**Table 3**

*Criminal sanctions imposed to adult women in Serbia, 2019–2023*

Year	Total convicted women	Prison	Total selected non-custodial sanctions	Non-custodial sanction				
				Fine	Suspended sentence	Home arrest	Community service	Admonition
2019	2826	331	2481	240	2007	156	21	57
2020	2750	361	2376	269	1879	190	13	25
2021	2853	381	2459	255	1902	245	17	40
2022	2690	425	2217	329	1588	279	18	34
2023	2920	504	2403	384	1667	307	10	35

When it comes to the structure of prison sentence, the data in Table 4 suggests that approximately two thirds of prison sentences in the given period comprise those up to one year: from 65.3% in 2019 to 74.8% in 2022. It is followed by 1-2 years of imprisonment: from 12% in 2022 to 17.7% in 2023. However, if we sum-up these data, we may argue that more than 80% of prison sentences are those below two years, suggesting that short-term incarceration dominates the structure of prison sentence for women convicts in Serbia in the last five years.

**Table 4**

*Structure of prison sentence imposed to women in Serbia, 2019–2023*

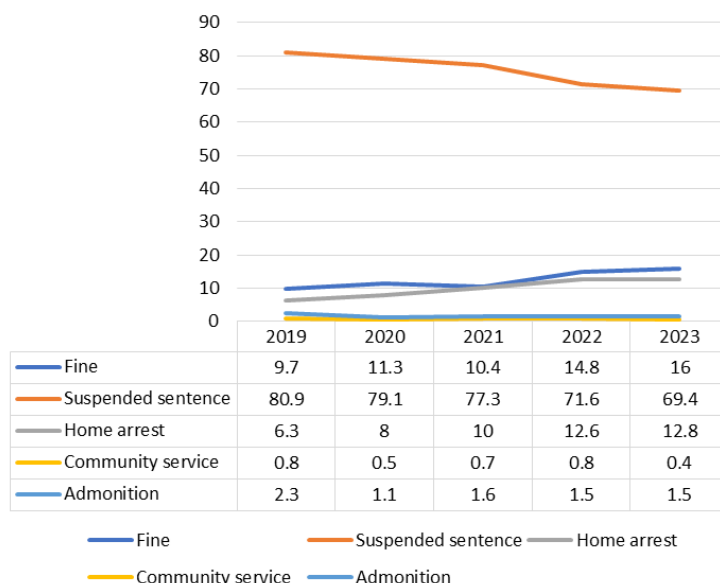
Year	Prison Total	Up to 1 year	1–2 years	2–3 years	3–5 years	5–10 years	10–15 years	15 and above
2019	331	216	45	39	24	6	0	1
2020	361	252	45	32	23	4	5	0
2021	381	261	59	33	21	7	0	0
2022	425	318	51	24	28	2	1	1
2023	504	345	89	36	24	6	1	3

On the other hand, as the data in Graph 3 shows, suspended sentence dominate the structure of non-custodial sanctions for women in the period 2019–2023. It is followed by the fine and home arrest. However, a decreasing trend in imposing suspended sentence is evident: from 80.9% in 2019 to 69.4% in 2023. On the other hand, there is an increase in imposing fines: from 9.7% in 2019 to 16% in 2023. Increase is also noticed for the home arrest, which doubled during the five-year period: from 6.3% in 2019 to 12.8% in 2023, although it still remains on a rather low level of use. The use of admonition decreased during past years comparing to 2019, but it is rather stable. Finally, community service is the least used non-custodial sanction: it remains under 1% in all observed years.



### Graph 3

*The structure of non-custodial sanctions imposed to women in Serbia, 2019–2023*



## Women in Prison

Data available in the SPACE I database reveals that in Serbia, between 2005 and 2022, the average proportion of women in the total prison population - comprising both convicted inmates and those in pre-trial detention – was approximately 3.6%. The lowest share of women in the prison population was recorded in 2008 (2.6%), while the highest was observed in 2020 (4.2%). In the last observed year, the proportion was at 4.1%, placing Serbia among the countries with a lower share of women in the prison population compared to the European average of 5.1% for that year (Aebi et al., 2022).

When examining the number of incarcerated women in Serbia by years (*stock data*), an increasing trend is evident during the first three observed years (Graph 4). In 2007, the number of incarcerated women was almost 60% higher than in the first observed year (2005). A sharp decline followed in 2008, with the number of women in prison only 6% higher than in 2005. This was followed by a period of steady growth in the number of incarcerated women until 2012, when the prison population of women was 87% higher compared to 2005. Subsequently, oscillating trends emerged: a decline until 2014, an increase until 2016, and a slight decrease in 2018. Over the next three years, a growth trend was observed, culminating in 2020 and 2021, when the number of women in prison and detention was nearly 100% higher compared to 2005. Finally, in 2022, there was a slight

decrease compared to the preceding three years, but the number of incarcerated women remained approximately 90% higher than in the first observed year, reflecting global trends.

**Table 5**

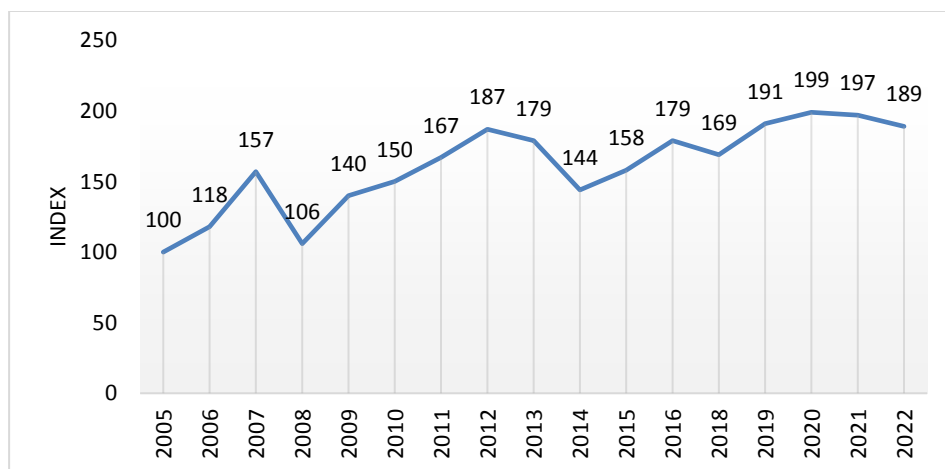
*Percentage of women in total prison population in Serbia, 2005–2022*

Year	Total Prisoners	Women in Prison	
	<i>N</i>	<i>N</i>	%
2005	7775	231	3.0
2006	8553	272	3.2
2007	8979	364	4.1
2008	9510	246	2.6
2009	10262	324	3.2
2010	11197	348	3.1
2011	10955	386	3.5
2012	11070	433	3.9
2013	10031	414	4.1
2014	10288	332	3.2
2015	10064	366	3.6
2016	10672	413	3.9
2018	10807	390	3.6
2019	10871	443	4.1
2020	11077	460	4.2
2021	10540	455	4.3
2022	10557	437	4.1

*Note.* Data for 2017 are missing.

**Graph 4**

*Imprisoned women in Serbia in the period 2005–2022 (index)*



## Conclusion

As globally, women in Serbia present a minority in the population of convicted persons, with relatively stable trend during the past two decades, remaining below the European average (Aebi et al. 2022, 2024). Over the past two decades certain changes in the structure of women crime in Serbia have become evident, reflecting societal transformations, including shifts in women's societal positions. This is evident, for example, in data on involvement of women in corruption and money laundering in Serbia comparing to the European average. In addition, changes in the structure of women crime are also evident in the share of property crimes, decrease in violence crimes, particularly criminal offences against life and limb, and steady increase in drug-related offences, reflecting global trends.

Although the average proportion of women in the total prison population in Serbia remains below the European average and has been relatively stable in recent years, there is a noticeable trend of continuous growth in the number of incarcerated women, which aligns with the global and European trends (Aebi et al., 2022, 2024). This can be attributed to three main factors: an increase in the proportion of lesser property crimes, reflecting the feminization of poverty and economic vulnerability of women; a rise in drug-related offenses, indicating a public health concern and the escalating challenge of addiction among women, and an increase in the prevalence of short-term prison sentences (Acale Sánchez, 2019; Penal Reform International, 2022; Russell et al., 2020), which is evident in Serbia, too.

As the analysis suggests, the short-term prison sentences have dominated the structure of prison sentence during the last five years. This is, generally speaking, in line with the contemporary penal populism and crime control policy, which is directed towards strengthening repression, tightening penal policy and the growth of the prison population (Ćopić et al., 2024; Pavićević et al., 2024; Soković, 2012). On the other hand, although suspended sentence dominates the structure of criminal sanction imposed to women, which is in line with the overall penal policy in Serbia and the structure of women crime, it, however, records a decreasing trend, while, for example, community service is rarely imposed. Thus, community-based sanctions should have better utilisation in response to women crime in Serbia. They are alternatives to short-term imprisonment that could better suit women's specific needs and requirements, particularly having in mind women's pathways to crime and their vulnerability, on one hand, and negative effects of incarceration on women's mental and physical health, social contacts, overall well-being and quality of life, on the other. Additionally, there is less chance to organise and implement meaningful gender responsive treatment programs in situation of short-term imprisonment, particularly for imprisonment of up to one year, which can additionally strengthen negative effects of incarceration, and diminish opportunities for effective reintegration.

Therefore, suspended sentence with the protective surveillance, home arrest and community service should be better utilised for responding to women crime in Serbia, which would be also aligned with the Bangkok Rules. Effective application of alternative, particularly community-based sanctions, diminishes negative effects of prison deprivations, particularly deprivation of social contacts and motherhood, which is one of the specificities when it comes to female convicts (Kovačević et al., 2024; Nuytiens & Jehaes, 2022; Špadijer-Džinić et al., 2009; Tadić & Kordić, 2024). It reduces stigmatization, which is of immense relevance for women as imprisoned women are often faced with double stigmatization in the society (Barberet & Jackson, 2017; Radulović, 2023). Finally, through community-based sanctions individual responsibility is fostered, and offenders' personal and social development is promoted, which is particularly relevant for women and their effective reintegration keeping in mind their vulnerabilities.

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